

REMARKS

The receipt of the Office Action of January 14, 2008 is gratefully acknowledged.

The noted Office Action reports on the re-examination of claims 9 and 12-15. The examiner indicates that claims 9, 14 and 15 are allowed but that claims 12 and 13 are finally rejected. This rejection is based upon 35 USC 112, first paragraph, as failing to "comply with the written description requirement".

Applicant has decided to cancel claims 12 and 13 to place this application in condition for allowance. Nevertheless, applicant does not agree with the examiner's rejection of claims 12 and 13 under 35 USC 112, first paragraph. For the record, it should be noted that the specification does supply support for claims 12 and 13. References made to page 8, lines 10 and 11, which state that "it is also possible to install the reference flow meter 21 upstream of a device to be calibrated or re-calibrated." In figure 1, in lines 11 and 12, the calibration reference for flow meter 21 is shown in parallel and in series, respectively. The calibration reference flow meter 21 is not shown in lines 13 and 15. However, in view of the noted passage in the specification, it is clear that a calibration reference flow meter 21 could be inserted upstream of the flow meter in lines 13 and 15. This illustration can easily be made, and would support the recitations in claims 12 and 13.

Accordingly, applicant must disagree with the examiner's rejection of claims 12 and 13.

Nevertheless, as noted above, and in order to expedite prosecution, applicant has decided to cancel claims 12 and 13 from this application, but reserves the right to file a continuation application to pursue the patentability of claims 12 and 13.

In view of the foregoing, and the cancellation of claims 12 and 13, this application should now be passed to issue.

Respectfully submitted
BACON & THOMAS, PLLC

Date: May 14, 2008

A handwritten signature in black ink, appearing to read 'Felix J. D'Ambrosio', written in a cursive style.

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